

LOCAL OPERATING PROCEDURES

IMMIGRATION COURT

NEWARK, NEW JERSEY

RULE 1 PURPOSE

These rules are adopted to facilitate the convenient and orderly conduct of the business of the Newark Immigration Court hereinafter "the court"). Parties appearing before the court are expected to be familiar with the Immigration and Nationality Act and related laws, pertinent regulations, administrative and judicial precedent, and these local procedures.

RULE 2 ATTENDANCE AT HEARINGS

All hearings shall proceed promptly on the date and time scheduled. Any delay in the appearance of counsel or legal representative of either party without satisfactory notification and explanation to the Court may, in the discretion of the Immigration Judge, result in the hearing being held in the absence of such counsel or legal representative.

RULE 3 FILING PROCEDURE

A. Documents and applications to be filed with the court shall be filed by mail or in person at the public windows of the Court during regular business hours, as posted, or shall be filed as otherwise directed by the Immigration Judge.

B. Documents and applications submitted to the court shall be two-hole punched at the top of each page, such holes placed two-and-three quarter inches apart.

C. Documents in support of a motion or application shall be paginated and shall have as the initial page a table of contents with page numbers. Exhibit tabs with letter designations shall be utilized when five or more documents are involved. When background documents of more than five pages are submitted, the submitting party shall highlight (or otherwise identify in writing) those portions of particular relevance to the issues at bar.

D. Documents and applications submitted to the court shall prominently display, upon the initial page, the name of the alien to which the document or application relates and the case number assigned to the matter.

E. Proposed exhibits and briefs must be filed with the court not later than ten (10) calendar days prior to the scheduled individual calendar hearing.

RULE 4 MOTIONS

A. In General -- In all cases in which a party is represented by an attorney or a legal representative, a motion filed by such party must be accompanied by a certificate of conference stating that the movant has conferred with opposing counsel or legal representative and whether the motion is opposed, or explaining any inability to confer.

B. A motion to change venue filed on behalf of the alien shall be in writing and shall contain (1) alien's plea to the allegations and charges contained in the charging document; (2) in deportation cases, the designation of a country in the event of deportation, or a declination to designate such a country; (3) the relief, if any, sought by the alien; and (4) the date and time of any scheduled hearing before the court.

C. A written motion to withdraw as counsel or legal representative shall be in writing and addressed to the Immigration Judge. Such motion shall describe the (1) reasons for the request to withdraw; (2) efforts made to find alternative representation for the alien; (3) efforts made to notify the alien of any scheduled hearing before the Immigration Judge and of the necessity of the alien's appearing at such hearing; and (4) a certificate of service upon the alien at the alien's last known address.

D. A motion to substitute counsel or legal representative shall be in writing addressed to the Immigration Judge, and accompanied by an EOIR-28, Notice of Entry of Appearance. Such written

motion is not necessary if substitute counsel or accredited representative is a member of the same firm or organization, of counsel to the firm, or appearing on behalf of the accredited representative or attorney of record.

E. A request for a continuance of a hearing shall be in writing, supported by affidavit or declaration, setting forth in detail the nature of the request and the reasons therefor. The motion shall include the (1) date and time of the scheduled hearing; (2) alien's name; and (3) case number. The request shall be filed with the court not later than ten (10) calendar days prior to the date of the scheduled hearing.

RULE 5 ACCESS TO ADMINISTRATIVE OFFICES

Access to the administrative offices of the court shall be limited to the officers and employees of the court, and parties appearing before the court or conducting business with the court should not expect to be provided access to telephones, photocopying machines, or other equipment within such offices.

RULE 6 WAIVER

An Immigration Judge shall have the authority to waive these rules in a particular instance in the interests of justice or for good cause shown.